



Item No.

175

# TOWN OF LAUDERDALE-BY-THE-SEA

## AGENDA ITEM REQUEST FORM

**Town Attorney**

Department Submitting Request

**Susan Trevarthen**

Dept Head's Signature

<u>Commission Meeting Dates</u>	<u>Last date to turn in to Town Clerk's Office</u>	<u>Commission Meeting Dates</u>	<u>Last date to turn in to Town Clerk's Office</u>	<u>Commission Meeting Dates</u>	<u>Last date to turn in to Town Clerk's Office</u>
<input type="checkbox"/> Nov 10, 2009	Oct 30 (5:00 p.m.)	<input type="checkbox"/> Jan 26, 2010	Jan 15 (5:00 p.m.)	<input type="checkbox"/> March 23, 2010	Mar 12 (5:00 p.m.)
<input type="checkbox"/> Dec 1, 2009	Nov 20 (5:00 p.m.)	<input type="checkbox"/> Feb 9, 2010	Jan 29 (5:00 p.m.)	<input checked="" type="checkbox"/> April 13, 2010	April 2 (5:00p.m.)
<input type="checkbox"/> Dec 8, 2009	Nov 25 (5:00 p.m.)	<input type="checkbox"/> Feb 23, 2010	Feb 12 (5:00 p.m.)	<input type="checkbox"/> April 27, 2010	April 16 (5:00p.m.)
<input type="checkbox"/> Jan 12, 2010	Dec 31 (5:00 p.m.)	<input type="checkbox"/> Mar 4, 2010	Feb 19 (5:00p.m.)	<input type="checkbox"/> May 11, 2010	April 30 (5:00p.m.)

**NATURE OF AGENDA ITEM**

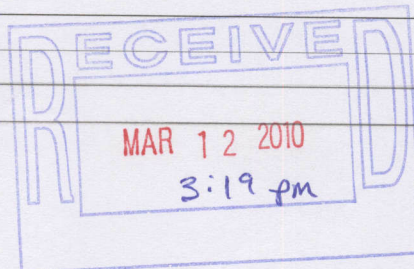
- |   |   |  |
|---|---|--|
| <input type="checkbox"/> Presentation   | <input type="checkbox"/> Resolution     | <input checked="" type="checkbox"/> New Business |
| <input type="checkbox"/> Report         | <input type="checkbox"/> Ordinance      | <input type="checkbox"/> Manager's Report        |
| <input type="checkbox"/> Consent Agenda | <input type="checkbox"/> Public Hearing | <input type="checkbox"/> Attorney's Report       |
| <input type="checkbox"/> Bids           | <input type="checkbox"/> Old Business   | <input type="checkbox"/> Other                   |

**EXPLANATION:** Discussion regarding Ordinance 2010-04 amending Chapter 2 "Administration", Article II "Town Commission" and Chapter 7 "Elections" of the Town Code of Ordinances, in order to address conflicts with the Town Charter and within the code regarding election procedures.

**STAFF RECOMMENDATION:****BOARD/COMMITTEE RECOMMENDATION:****FISCAL IMPACT AND APPROPRIATION OF FUNDS:**

- |   |  |
|---|--|
| <input type="checkbox"/> Amount \$ _____            | <input type="checkbox"/> Acct # _____  |
| <input type="checkbox"/> Transfer of funds required | <input type="checkbox"/> From Acct # _____   |
| <input type="checkbox"/> Bid                        | <input type="checkbox"/> Grant <input type="checkbox"/> Amount represents matching funds |

Town Attorney review required

☒ Yes ☐ NoTown Manager's Initials: Eda

ORDINANCE 2010-04

AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-  
THE SEA, AMENDING CHAPTER 2 "ADMINISTRATION",  
ARTICLE II "TOWN COMMISSION" AND CHAPTER 7  
"ELECTIONS" OF THE TOWN CODE OF ORDINANCES,  
IN ORDER TO ADDRESS CONFLICTS WITH THE TOWN  
CHARTER AND WITHIN THE CODE REGARDING  
ELECTION PROCEDURES; PROVIDING FOR  
SEVERABILITY, CONFLICT AND AN EFFECTIVE DATE

WHEREAS, the Town Commission of the Town of Lauderdale-by-the-Sea recognizes it is  
in the Town's best interest to amend the general administrative Town Code provisions so as to  
provide for continued updating, remove obsolete provisions, and comply with recent case law,  
legislative changes and custom and usage within the Town; and

WHEREAS, the Town Commission finds that this Ordinance shall accomplish such  
purposes.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF  
THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AS FOLLOWS:

**SECTION 1. Recitals.** The foregoing "Whereas" clauses are ratified and confirmed as  
being true, correct and reflective of the legislative intent underlying this Ordinance and are  
hereby made a specific part of this Ordinance.

**SECTION 2. Amendment.** Article II "Town Commission" of Chapter 2  
"Administration" is hereby amended<sup>1</sup> as follows:

\* \* \* \* \*

**Sec. 2-17. Meeting to seat new members.**

On the ~~Friday~~ Monday following the regular election at which a Town Commissioner shall be  
elected in accordance with Section 6.1 of the Town Charter, the Town Commission shall meet at  
the usual place for holding meetings of the legislative body of the Town, at which time the newly  
elected Town Commissioner(s) shall assume the duties of his or her office.

\* \* \* \* \*

<sup>1</sup> Words in ~~strike through~~ type are deletions; words in underlined type are additions.

## ORDINANCE 2010-04

**SECTION 3. Amendment.** Chapter 7 "Elections" is hereby amended as follows:

**Sec. 7-1. Qualification fees.**

Candidates for any municipal office in the Town shall file such papers as set out in the Charter and pay a filing fee of \$25.00 with the Town Auditor-Clerk not earlier than noon on the first workday in January, nor later than noon on the 14th day following the first workday in January.

**Sec. 7-2. No primary elections.**

There shall be no primary election in races for municipal office in the Town.

**Sec. 7-3. Election dates; forfeiture, vacancies, qualifications for and terms of elected municipal office.**

(a)—~~The date of elections, forfeiture of office, method of filling vacancies, qualifications for candidates, and elections in the Town shall be held on the second Tuesday in March.~~

(b)—~~The terms of all elected municipal officers shall be as provided in the Town Charter correspond to the dates provided in this chapter and Laws of Florida, Chapter 75-350, as amended.~~

**Sec. 7-4. Manner of election and ~~taking office.~~**

(a)—~~The candidate or candidates, depending upon the number to be elected, receiving the highest number of votes in the election, shall be the winner or winners.~~

(b)—~~Such duly elected municipal officers shall take office within 14 days after the election, the specific day to be decided by ordinance.~~

**Sec. 7-5. Canvassing of votes.**

All municipal elections shall be canvassed by the county canvassing board with the board certifying the results to the Town Auditor-Clerk within five days after the election.

**SECTION 4. Codification.**

This Ordinance shall be codified in accordance with the foregoing. It is the intention of the Town Commission that the provisions of this Ordinance shall become and be made a part of the Town of Lauderdale-by-the-Sea Code of Ordinances; and that the sections of this Ordinance may be renumbered or re-lettered and the word "ordinance" may be changed to "section", "article" or such other appropriate word or phrase in order to accomplish such intentions.

**SECTION 5. Severability.**

**ORDINANCE 2010-04**

If any section, sentence, clause, or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Ordinance.

**SECTION 6. Conflicting Ordinances.**

All prior ordinances or resolutions or parts thereof in conflict herewith are hereby repealed to the extent of such conflict.

**SECTION 7. Effective Date.**

This Ordinance shall become effective immediately upon passage on second reading.

Passed on the first reading, this \_\_\_\_ day of \_\_\_\_\_, 2010.

Passed on the second reading, this \_\_\_\_ day of \_\_\_\_\_, 2010.

\_\_\_\_\_  
Mayor Roseann Minnet

First Reading

Second Reading

Mayor Minnet

Vice Mayor Dodd

Commissioner Clottey

Commissioner Vincent

Commissioner Sasser

Attest:

\_\_\_\_\_  
Town Clerk, June White

(CORPORATE SEAL)

Approved as to form:

\_\_\_\_\_  
Susan L. Trevarthen, Town Attorney